

HOUSE BILL 2966
By Marrero

AN ACT to amend Tennessee Code Annotated, Title 50, relative to overtime pay exemptions.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 50, Chapter 2, Part 1, is amended by adding the following as a new section thereto:

50-2-110.

(a) The regulations promulgated by the United States Department of Labor at 29 C.F.R. Part 541, which became effective on August 23, 2004, and which revised the regulations governing exemptions from overtime for executive, administrative, professional, outside sales, and certain computer employees in effect prior to that date, shall apply to employees employed in this state as follows:

(1) Any employee who would have had the right to earn overtime under the federal regulations in effect on August 22, 2004, shall continue to have overtime eligibility determined pursuant to the standards set forth in the federal regulations in effect on August 22, 2004.

(2) Any employee who was employed on or after August 23, 2004, but who would have had the right to overtime under the federal regulations in effect on August 22, 2004, if that employee had been employed in a position having the same duties on August 22, 2004, shall have overtime eligibility determined in the same manner as employees in subdivision (1).

(b) The minimum salary an employer must pay an employee before that employee can lose the right to overtime shall be the salary set forth at 29 C.F.R. Section 541.600, as it may be revised from time to time.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.